

Notice of Allowability

Application No.

10/669,878

Examiner

Tai T. Nguyen

Applicant(s)

YAMAGUCHI ET AL.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview summary on 11/17/05.
2. ☒ The allowed claim(s) is/are 1,5,6 and 9-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


12/07/05

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Moore on 11/17/05.

The application has been amended as follows:

Claim 1, line 5, insert ---- , the detection result being either the motion intensity and accumulated motion frequency of the repetitive motion or the motion intensity, motion period, and accumulated motion frequency of the repetitive motion, and the predetermined reference range for the motion intensity and the motion period being either above the lower limit reference value set by the user or between the lower limit reference value and the upper limit reference value, which are set by the user, and the predetermined range for the accumulated motion frequency being below an

accumulated target frequency set by the user ---- after "a predetermined frequency range".

Cancel claims 2-4.

Claim 5, line 1, delete "claim 3" and insert ----claim 1---- after "according to".

Claim 6, line 1, delete "claim 3" and insert ----claim 1---- after "according to".

Cancel claims 7-8.

Claim 9, line 1, delete "claim 3" and insert ----claim 1---- after "according to".

Claim 11, line 5, insert ----, the detection result being either the motion intensity and accumulated motion frequency of the repetitive motion or the motion intensity, motion period, and accumulated motion frequency of the repetitive motion, and the predetermined reference range for the motion intensity and the motion period being either above the lower limit reference value set by the user or between the lower limit reference value and the upper limit reference value, which are set by the user, and the predetermined range for the accumulated motion frequency being below an accumulated target frequency set by the user ---- after "a predetermined frequency range".

Claim 18, line 17, delete "." and insert ----- ; and ----- after "detecting device" and also insert ----- a rectangular wave converting circuit that converts the detection result only when an amplitude value is within the predetermined reference range----- starting line 18.

Allowable Subject Matter

3. Claims 1, 5-6, and 9-18 are allowed (renumbered as 1-13).
4. The following is an examiner's statement of reasons for allowance: many reference in the art disclose a body motion detector for use with a user comprising a body motion detecting device for detecting body motion accompanying repetitive motion of the user; a determining device for determine whether an amplitude value of a detection result of the body motion detecting device is within a predetermined reference range; and a notification device (figure 1) to generate a notifying signal whenever a determination result by the determining device is within the predetermined reference range, such as found in Kaufman (US 6,251,048). The prior art of record does not teach or suggest, in the claimed combination, a body motion detector that includes a specific detail of the detection result being that either the motion intensity and accumulated motion frequency of the repetitive motion or the motion intensity, motion period, and accumulated motion frequency of the repetitive motion, and the predetermined reference range for the motion intensity and the motion period being either above the lower limit reference value set by the user or between the lower limit reference value and the upper limit reference value, which are set by the user, and the predetermined range for the accumulated motion frequency being below an accumulated target frequency set by the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen
Examiner
Art Unit 2632

December 7, 2005